



Media relations
P.O. Box, 9023 St. Gallen

St. Gallen, 8 November 2024

Press Release

regarding judgment B-3722/2024 of 29 October 2024

Green light for the new SBB maintenance facility at Arbedo-Castione

The Federal Administrative Court rejects the appeal against the awarding of the project for the construction of the new industrial railway plant (NSIF) at Arbedo-Castione.

On 20 December 2022, the Swiss Federal Railways (SBB) issued a public invitation to tender for a construction works contract in connection with the project «NSIF - Construction of the building, including preparatory work». On 23 May 2024, the SBB announced the awarding of the contract to the «Consorzio Officine Ticinesi» OFT. An excluded consortium lodged an appeal with the Federal Administrative Court (FAC) against the award requesting that the ruling and its own exclusion from the award procedure be quashed, that the documents be transferred back to the contracting authority and that its tender be re-evaluated after reintroduction into the proceedings. The appellant undertakings essentially challenged the lawfulness of their exclusion from the award procedure.

Justified exclusion

Determining that the facts were properly examined at the tender evaluation stage, the FAC upholds the finding of the contracting authority that the appellants had not complied with the prohibition of subcontracting explicitly foreseen in the invitation to tender and the specifications for the metal construction works. The FAC concludes that the failure to comply with a significant requirement regarding the invitation to tender justifies the appellants' exclusion from the award procedure. The FAC therefore rejects the appeal.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 375 employees (314.7 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.